

Appl. No. : 09/682,599
Filed : September 9, 2001

REMARKS

Reconsideration and allowance of the above referenced application is respectfully requested.

After entry of this amendment, claims 1-16 remain pending in the case.

The abstract stands objected to as allegedly being unclear. In response, a new abstract is substituted herewith.

The drawings further stands objected to as allegedly being unclear. New informal drawings are submitted herewith. Formal drawings will be prepared at such time as the application is actually allowed.

The minor informality objected to in claim 15 has been corrected herewith, changing the word "win" to -when-.

Claim 7 stands objected to as not detailing what the instructions to establish are establishing. This has also been obviated herein by amendment.

Claims 1-16 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Riemers. However, this contention is respectfully traversed, and it is respectfully suggested that the rejection does not meet the Patent Office's burden of providing a *prima facie* showing of unpatentability.

Clearly Riemers does teach a machine-readable medium storing executable instructions. However, Riemers does not teach the important features defined by claim 1, of detecting random information in the descriptor of an electronic communication, and establishing that electronic communication as being... undesired... based on the detect.

Riemers does teach a system looking for information indicative of spam within a message. As explained in column 1, the administrator may read part of the message

Appl. No. : 09/682,599
Filed : September 9, 2001

and identify a spam string or body that is likely to be reproduced in other spam messages. Column 1, lines 32-35 of Riemers, however, shows spam string examples. These spam string examples are either a URL, or a text string that indicates likely spam, such as "make money while working at home", see column 1 line 35. This does not teach anything about "detecting random information in a descriptor" and establishing an undesired communication based on the detection of random information, as claimed.

Moreover, this is entirely consistent with the remaining portions of Riemers. As explained in column 3 beginning at line 5, the Riemers identifies a network address, and analyzes that information to detect the likelihood that the information is spam. The URL can be identified by looking for specified search strings that are described column 3 lines 21-24. These are not random strings, but rather are specific string that is used to mark a URL such as http://(lines 21-22) www.(line 22) and the name of the URL, which can be any combination of a-z and 0-9 (lines 23-24). Therefore, this system does not look for random information within the descriptor, but rather looks for exactly the opposite: specific information of the specific form indicating a URL. In fact, Riemers not only does not teach looking for "random information" as claimed, but even further teaches away from looking for that random information.

Admittedly, the filtering can look for things that are other than a URL. For example, column 3 line 58 looks for certain words such as 'contest', 'games', or '\$'. Other places within the specification describe other operations for detecting spam. However, nowhere within this description is there any teaching or suggestion, in any form whatsoever, of detecting "random information in the descriptor of an electronic communication". Reimers teaches AWAY FROM detecting random information by its

Appl. No. : 09/682,599
Filed : September 9, 2001

teaching of detecting specific information. Therefore, claim 1 should be allowable along with the claims which depend therefrom.

Claim 2 specifies that the random information is random characters, and this is nowhere taught or suggested by Riemers.

Claim 3 teaches that random information is random words. This is not taught or suggested by the cited prior art.

Claim 5 specifies comparing the content to a dictionary and establishing things that are not within the dictionary as being random. The rejection refers to Reimer's column 5 lines 20-35, which teaches comparing e-mail content with a clearinghouse of information. However, note that this is exactly the opposite of what is being done and claimed here. Claim 5 compares the words with a dictionary of words that represent real words, and establishing information as being 'random' when the words are not in the dictionary. Riemers teaches the opposite: he teaches looking for words that represent spam, comparing those words with a dictionary of words that represent spam, and establishing those words as being spam when they are IN the dictionary. Note that this is quite the opposite of what is claimed, and that Riemers teaches AWAY from what is claimed.

Claim 8 defines "detecting random information ...", and should be allowable for similar reasons to those discussed above with respect to claim 1. The dependent claims 9-12 should also be allowable for comparable reasons to those discussed above.

Claim 13 has been amended to specify that filtering will catch communications whose contents match by a specified amount less than 100% in order to further define the advantageous features of this claim. Specifically, the filtering done herein looks for

Appl. No. : 09/682,599
Filed : September 9, 2001

random words within the communication. However, a typo within the communication could look like a random word. Therefore, one single occurrence of one single random word would not be a good indicator that the communication is undesirable.

Therefore, claim 13 defines matching filter content by a specified amount less than 100%. This is not taught or suggested by Riemers. When Riemers detects a message that has the specified content, it is automatically, and 100% of the time, marked as being undesirable. Therefore, claim 13 should be further allowable over the cited prior art.

Claim 14 defines the random content, the distinctions of which have been described above. Once again, this is nowhere taught or suggested by the cited prior art. Claim 15 defines a filter level of 80 to 90%, and again this is not taught or suggested by the cited prior art.

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

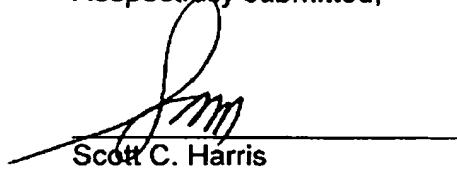
For all of these reasons, it is respectfully suggested that all of the claims should be in condition for allowance. A formal notice of allowance is hence respectfully requested.

Appl. No. : 09/682,599
Filed : September 9, 2001

Please charge any fees due in connection with this response to Deposit Account
No. 50-1387.

Respectfully submitted,

Date: 3-5-04



Scott C. Harris
Reg. No. 32,030

Customer No. 23844
Scott C. Harris, Esq.
P.O. Box 927649
San Diego, CA 92192
Telephone: (619) 823-7778
Facsimile: (858) 678-5082

Attachment: New informal drawings